

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EUGENE DELBERT WELLS, JR.,

Defendant.

CR-12-18-BMM-01

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 21, 2018. (Doc. 77.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 17, 2018. (Doc. 73.) Wells admitted that he violated a condition of his supervised release. Wells violated a condition of his supervised released by consuming alcohol on January 14, 2018. (Doc. 77 at 4.) Wells denied that he violated a condition of his

supervised release by committing a new federal, state, or local crime. *Id.* The United States did not present evidence regarding this violation. *Id.*

The violation proves serious and warrants revocation of Wells's supervised release. Judge Johnston has recommended that the Court commit Wells to the custody of the Bureau of Prisons for five months, with credit for time served and with no supervised release to follow. *Id.* at 5. Wells's violation of a condition represents a serious breach of the Court's trust. A sentence of custody of five months, followed by no term of supervised release, represents a sufficient, but not greater than necessary sentence.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Eugene Delbert Wells, Jr. be sentenced to custody for five months followed by no term of supervised release.

DATED this 13th day of June, 2018.



Brian Morris
United States District Court Judge